

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

STRUCK, ET AL.,

No. 2:23-mc-00075-MCE-KJN

Plaintiff,

ORDER

v.

GAO, ET AL.,

Defendant.

On February 15, 2023, defendant filed a motion for protective order (ECF No. 1) and defendant's unopposed motion to transfer defendant's motion for protective order. (ECF No. 2.) The motion for a protective order seeks to limit a subpoena in the underlying case pending before the Central District of California, Struck v. Goa, 2:22-cv-02415-SPG-MAA.

The underlying case concerns the dissolution of a business partnership between the parties. (ECF No. 1 at 5.) Plaintiff sought seventeen subpoenas from the U.S. District Court for the Central District of California. (ECF No. 2 at 4.) While most of the subpoenas are directed to entities located in Delaware, one of the subpoenas is directed toward an entity in this district, Tiger Global. (Id.)

Federal Rule of Civil Procedure 45(f), allows for the transfer of subpoena-related motions from a compliance court to the issuing court in "exceptional circumstances." Fed. R. Civ. P. 45(f)

1 (“When the court where compliance is required did not issue the subpoena, it may transfer a  
2 motion under this rule to the issuing court if the person subject to the subpoena consents or if the  
3 court finds exceptional circumstances.”) Exceptional circumstances can include the fact that a  
4 discovery motion relating to the subpoenas is pending in the issuing court and the need to avoid  
5 conflicting rulings. Moon Mountain Farms, LLC v. Rural Community Insurance Co., 301 F.R.D.  
6 426, 429 (N.D. Cal. 2014).

7 Here, defendant’s unopposed motion seeks to transfer defendant’s motion to the issuing  
8 district to avoid inconsistent rulings and because defendant is seeking a global protective order.  
9 (ECF No. 2.) The parties stipulated to transfer the protective order and Magistrate Judge Audero  
10 approved the parties’ stipulation. (ECF No. 2-2.) The court finds exceptional circumstances are  
11 present and the interests of the relevant third party, Tiger Global, is not threatened by transfer of  
12 the motion to the Central District of California. Therefore, the court grants defendant’s  
13 unopposed motion to transfer defendant’s motion for protective order.

14 **ORDER**

15 Accordingly, IT IS HEREBY ORDERED that the protective order is TRANSFERRED to  
16 United States District Court for the Central District of California in accordance with the parties’  
17 stipulation.

18 Dated: February 23, 2023

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21 KENDALL J. NEWMAN  
22 UNITED STATES MAGISTRATE JUDGE  
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